

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 5, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk;

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

JOHNSON Having been appointed to read the minutes of the City Council proceedings of May 30, 2000, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APPLICATION OF IRIE, INC. DBA "DOC'S PLACE" FOR A LIQUOR CATERING LICENSE AT 140 NORTH 8TH STREET - James Flack, 140 N 8th, 150 Apothecary Bldg., took oath: This for a seminar, liquor license for catering permit.

This matter was taken under advisement.

APPLICATION OF BENICIO LOBO DBA "ZAPATA MEXICAN RESTAURANT-CANTINA" FOR AN EXPANSION OF THEIR CURRENT CLASS I LIQUOR LICENSE FOR AN AREA MEASURING 31 FEET BY 130 FEET IN THE BASEMENT AT 815 "O" STREET - John Boehm, 811 S 13th St., took oath: I'm an attorney representing Ben Lobo the owner of Zapata's. He is seeking to expand the business, license business by adding the basement at the location of 815 O Street. He intends to use that to, for dancing basically on Friday and Saturday after 10:00 p.m. He has presently been conducting dances there without serving any alcoholic beverages at that location at those times in the evening, Friday and Saturday evenings and has done so successfully. This would allow the service of alcoholic beverages at those designated times. In preparation for this we have moved the access, control access point forward to the very front door of the establishment whereas previously it had been to the interior of the restaurant. We now have moved it forward to control access to both the basement and the restaurant itself on the first floor. We will, also, presently there is security when the dance is in operation there's security at the stairway to prohibit anybody taking alcoholic beverages down. Once the license is granted they'll also prohibit anybody bringing alcoholic beverages up. There will be a separate bar in the basement that will serve patrons in the basement. There won't be any flow of alcoholic beverages either upstairs or downstairs. Mr. Lobo has hired extra security for the dances. He has installed a video camera system with nine video cameras that covers the entire first floor as well as the basement, the entry, and the stairway. He has a monitor right at the bar that he can personally view what's going on at any point in the restaurant. In addition he personally circulates along with his security people throughout the course of the evening. And, as you may recall when we, shortly after we applied for our original license we set up a separate, a set of rules of conduct which Mr. Lobo passes out every evening at the tables. They're posted in various parts of the bar and he has rigidly enforced those rules and his customers and clientele have come to understand what is an acceptable level of conduct and it's worked quite well for him. So, we would request that you grant this addition to the licensed premise and if you have questions we'd be glad to answer them at this time.

Cindy Johnson, Council Member: Jerry, I do have a question for Chuck our Fire Inspector. Chuck you shared with me last week that you had some concerns regarding some permits that had not been issued, could you ...

Chuck Schweitzer, Fire Inspection: Yes, and I did check with the plumbing section this morning in Building & Safety and they have told me

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we still don't have permits for the fixture that was added in the bathroom. I've talked with Mr. Lobo about that, I still haven't seen any permits for it so, you know, that's going to be an issue that I'm going to have to take on before I'll sign the license. We need permits. We need to follow the guidelines through Building & Safety before, you know before we'll sign off on it, so. To the best of my knowledge as of about 9:00 this morning it still wasn't done.

Jeff Fortenberry, Council Member: Officer Fosler. Has there been any other Police Dept. related problems like there were at the previous location since this was opened?

Russ Fosler, Lincoln Police Dept.: Since this establishment was opened they had one original violation which you were informed of when they opened up the door since that point and time they've had no liquor law violations.

Coleen Seng, Council Member: There was concern originally about if the hall was to be licensed, but it is now.

Mr. Fosler: The hallway is licensed. After I researched it further it was licensed under the Bongo license which transferred to Mr. Lobo so that hallway currently is licensed on the first floor. And, it's my understanding at the current time there are no residents in the second level, is that correct?

Mr. Boehm: Correct.

Ms. Seng: Otherwise there could be residents up there? But, they're not going to be? Is that what ...

Mr. Fosler: It's my understanding that there are no plans at the current time for anyone to occupy that second floor. At least in this fashion if they did they'd know what they were getting into to.

Ms. Seng: OK.

Ms. Johnson: Dana, if we were to approve this license and they hadn't done their permits and stuff and Chuck doesn't sign off on it what happens then?

Dana Roper, City Attorney: It doesn't get issued.

Ms. Johnson: OK. It doesn't get issued and is there a time limit for that or can they...?

Mr Roper: I'm not sure that there's any definite time line, but the Liquor Commission will do their review and make sure that the Highway Patrol makes sure that everything's, the occupancy, the fire, everything is complied with before they sign off on the issuance and if they don't do those things they won't get a license.

Ms. Johnson: OK. That's what I thought, thanks.

This matter was taken under advisement.

APPLICATION OF RISKY INC. DBA "RISKY'S SPORTS BAR & GRILL" FOR A CLASS "C" LIQUOR LICENSE AT 4680 LEIGHTON AVE.;

MANAGER APPLICATION OF ROGER WILLIAM PATTON FOR RISKY INC. DBA "RISKY'S SPORTS BAR & GRILL" AT 4680 LEIGHTON AVE. - Roger Patton, 504 Trailridge Cr., took oath: Any questions?

This matter was taken under advisement.

APPLICATION OF SHILAR INC. DBA "SPEAKEASY" FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 62 FEET BY 88 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 3233 1/2 SOUTH 13TH STREET ON JUNE 9, 2000 FROM 6:00 P.M. TO 12:30 A.M. - Shirley Green 601 Capital Beach Blvd., came forward to answer any questions.

This matter was taken under advisement.

ADOPTING A REVISED EMPLOYEE'S RETIREMENT PLAN TO ELIMINATE OUTDATED, OBSOLETE LANGUAGE; TO CHANGE PROVISIONS REGARDING EMPLOYEE CONTRIBUTIONS; TO PROVIDE FOR PRE-TAX CONTRIBUTIONS; TO CHANGE THE VESTING SCHEDULE; TO ELIMINATE PROVISIONS RELATING TO FORFEITURES OF CITY CONTRIBUTIONS; TO CHANGE PROVISIONS REGARDING RE-PARTICIPATION IN THE RETIREMENT PLAN AFTER A BREAK IN SERVICE WITH THE CITY; & TO CHANGE PROVISIONS RELATING TO EARLY RETIREMENT - Georgia Glass, Personnel Director of City & County: I thought I would like to just make a couple of comments to sort of put some of this into perspective and so that our employees that are in the

audience are aware of a couple of things. We have actually been looking at probably over the course of the last couple of years making some revisions to the Civilian Pension Plan. As the ordinance states part of it was simply cleaning up some obsolete language that needed to be brought into proper context with current IRS law, etc. And, then again we looked at what we consider improvements to the employee pension plan primarily making the employee contributions a pre-tax deduction and part of making the contributions a pre-tax deduction is also changing the vesting schedule from 10 years to 7 years and allowing for the plan to be portable which means if an employee quits they or retires that they are always entitled to the entire vested portion of the employers contribution to the pension plan. The ordinance does include changing the early retirement age to 50 with 25 years of service. And, I should point out that we will be coming to you with an amendment to this ordinance to incorporate some language that would insure that employees who were planning to retire under the current provisions which is age 55 with 20 years of service, but those employees would be grandfather'd into the language that we're suggesting with the current ordinance. The one item that was on the current ordinance that we'll also be coming to you with an amendment to withdraw is what we call leveling the contributions. The current ordinance would suggest that er would ask that we change the way it is now which is the first \$4800 you earn every year your contribution is only 3% and then it is only after you earn \$4800 that your contribution goes to 6%. We have proposed changing that. We're withdrawing that change and want to keep that the way it is. And, the other item that the ordinance addresses is the break in service which means that an employee who works for the City leaves and comes back to City employment within 5 years, if they have left their money in the pension plan, they can pick up where they left off in terms of counting those years of service for vesting. That's all unless you have any questions for me.

Steve Nosal, LCEA President: We've gone through this proposed change with the Personnel Dept. and we are in favor of the majority of it. Again, the concern was, and I guess Georgia brought it up, was on the 55 retirement, we have a group of people that will be intending to retire at the age of 55 in 20 years and that's something we want to look at. But, for the most part the rest of it we looked at does work very well for us. And, that's about all I've got to say so we're in favor of that. Any questions?

Jon Camp, Council Member: Just a couple of comments. As you know our original goal or major goal from the Council is to do a revenue neutral approach to allow the employees to have their contributions to be deductible or pre-tax dollars is another way of saying it. We had a pre-Council this morning on this and discussed a number of elements and one of the concerns, that I know I shared, was that we didn't want the employees to think if we do some fine tuning with those that it was anything negative per se, but we're still, I think, evaluating that regard. You brought up the point on the early retirement, I know from my standpoint, one question still remains is whether we still want to look at dropping the age of 50 or maybe leave it the same. In any event we would not take anything away from somebody. Does that make sense to you?

Mr. Nozzle: Yes it does. I've had a couple of suggestions for anything that comes up, I believe the number is 75 you guys are working with, some combination thereof and I, after talking with Bill Thoreson I understand the IRS has limitations on that, but I guess the biggest concern is, of course, those who are intending to retire next year or within the next two years. But, I think the pre-tax has favorably gone over, you know, with everybody real well.

Mr. Camp: Would it fair to say, or let me just ask outright, do the employees view that ability to use that pre-tax dollars as their contribution to be an important element to them?

Mr. Nosal: I think so. I believe so. From what I've seen they were in favor of it I believe it would be.

Mr. Camp: Are there any other concerns just while we're talking about the retirement plan that you could share with us?

Mr. Nosal: Well, change of course always goes over a little bit

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difficult, but after a little bit of a meeting, Georgia and Bill Thoreson came out and met with a group of LCEA members and answered a lot of questions. I think they were able to satisfy the curiosity of the members. I think they were pretty much in favor of it. Other than that I don't see any other major concern.

Mr. Fortenberry: I appreciate your comments, I just want to echo some of Council Member Camp's comment because again initially one of the real strong ideas coming forth out of the Council is to give the benefit of having your retirement benefits pre-based on pre-tax earnings which is a tremendous benefit to the employees. I think the other issues we're trying to deal with are again looking at trying to keep this revenue neutral so that we provide the benefit, but that at the same time we're fair to the taxpayer & public. One of those issues, as well, may involve a change in that vesting schedule. Right now it appears that the current vesting schedule of 10 years, 100%, the current proposal is 2 to 7 and 100% 7 years. It's a possibility because of some issues dealing with forfeitures that the Council might want to look at leaving it at 10 years as another option. Again, that is in the interest of providing taxpayers a revenue neutral proposal that's still very beneficial to you, but nonetheless does give incentives for employees to stay a little bit longer. That's my first thing I'd like you to respond to. The second one deals with the age 50 retirement.

Mr. Nosal: The 10 year, of course, I guess my 25 years are almost in, but the 10 year option is, it was discussed the 7 year also and I, from the members who had been in the plan as long as I have for 20 some years they didn't have a problem dropping down to 7 and I think it's pretty much from what I was told across the board in the nation and a lot of private industries is 7 is that vesting, that ceiling where they vest at and ...

Mr. Fortenberry: For IRS purposes of deductibility it's a little bit unclear to us still whether that's actually the case or not. That has been a pattern, yes you're right, but not exactly clear as to whether that's an absolute so. The other issue does involve retirement at age 50 which if you have 26 years of service when did you start with the City when you were 16?

Mr. Nosal: No, no, no. No I'm 50. I started when I was 25, somewhere thereabouts. But, I have 24, it'll be 25 years next year. But, and most of the people in the LCEA groups are long term employees. They are in that middle management group, they've been here a long time and so ...

Mr. Fortenberry: Do you anticipate an exodus at age 50?

Mr. Nosal: No, I couldn't afford an exodus.

Mr. Fortenberry: That's what Georgia said.

Mr. Nosal: But, it would be, it is an option a lot of people do seek.

Mr. Fortenberry: And why is that then?

Mr. Nosal: I think it has to do with, you know, working for government can be taxing, can be stressful and some people choose a change, they seek a different route at that time. At least that's the opinion I get from a lot of people my age. Then the other hand some people like me I love what I do so I'm going to stay here for a while.

Mr. Fortenberry: Well said.

Mr. Nosal: Well, its just that, I get, my job is rather unique so, I enjoy doing that.

Don Taute, Assistant City Attorney: Chairman Shoecraft, I'm not sure if this is the appropriate time, but I would like to offer in favor again of the legislation a couple of comments on the, I guess, the term or the phrase has been brought up with respect to revenue neutral and after pre-council this morning we had some further discussion with Steve Hubka the budget officer regarding that particular issue. And, what, and I think he's involved in budget hearings or he would be here today or this afternoon to pass along his thoughts, and I think the one thing that we need to focus on in that regard that he says on the portability issue and the change in the vesting schedule is not going to create any additional liability on behalf of the City as far as funding this. What is there, as

we have talked about, is the potential, and I use the potential purposely, is a potential reduction in the amount of money received by the City from forfeitures which would then obviously be used to fund, go toward funding the City's contributions to the plan. However, if we're looking at a balance sheet standpoint Steve made it a point to emphasize that those dollars are not planned, those don't go into a balance sheet concept saying that we're going to have X coming in that it's going to go into that budget for purposes of funding that. In other words those dollars are not counted on for purposes of the City's funding of that plan. So, in that sense it is a revenue neutral regardless of the changes that are being proposed because their not counted on, it's not creating an additional liability on the City, it is going to be a plan that has been funded by the City will continue to be funded by the City to the extent of a two for one match based on that, those provisions as outlined in the plan. So, with the elimination of the leveling of the contributions as Georgia has referred to them changing that from a 6%, 3%, 6% going to 6% from the first dollar. That, eliminating that cost really that is the elimination of the actual tok..., you know, really an out of pocket cost to the City that would cost the City more money from whether it would be a quote unquote revenue neutral standpoint. And, also so that Council is aware we do have in the audience today representatives of Ameritas, Bob Lang and Scott Holechek who would be available for any questions you might have and I think particularly, Councilman Fortenberry, on your question on the 10 year vesting versus 7 year vesting and what they have found out in discussing that particular issue with relationship to deploying contribution plans IRS approval they have talked to a couple of consultants since our discussions of this morning that they might be able to pass along some comments along those lines that would be helpful for Council in its deliberations.

Mr. Fortenberry: This may be a more appropriate question for Steve Hubka, but when we have had forfeitures come back to us, I understand what you're saying that's good information that it's not counted on as a part of funding projections necessary to, for the retire..., for the obligation of the City, but when they do come back to us where do they go? I've forgotten. I've seen them before, but I don't recall where they go.

Mr. Taute: I would be guessing.

Mr. Camp: They don't come back, Jeff, they always stay in the plan. It just means the future contribution from the City is reduced. Once it goes into that trust by law it's magic retirement money.

Mr. Taute: It's not going to be going anywhere other than, as Councilman Camp has pointed out, it's going to be designated for the plan. It's not going to go anywhere else in the General Fund, but for purposes of the budgeting. Obviously, if you've got \$50,000 in forfeitures Steve is, that is going to be taken into consideration, but he doesn't actually budget for those forfeitures because again that is an unknown quantity from year to year.

Mr. Camp: Don, I guess maybe if I use a different analogy because I think we're dealing a little bit with semantics on budgets and so forth. I guess I look at it if we budget to buy a new dump truck for Public Works and we budget \$50,000 and it comes in at \$40,000 we've got \$10,000 extra to use elsewhere whether we budgeted, anticipated that some of those dump trucks are going to cost less. That's \$10,000 the City hasn't had to spend. Likewise on the retirement plan, whether or not we anticipate forfeitures if we look ahead and we say the employees salaries are going to be X amount, take the magic 3 and 6% times that if we say it's going to be two million dollars, but in reality as that year goes through and we have forfeitures and it turns out to be 1.9 million we now have a savings much like the dump truck. And, even though it wasn't budgeted that's now another \$100,000 that the City can use and so I think, and due respect to what Councilman Fortenberry was saying, to us that isn't revenue neutral that's money spent that in this change of the plan, if we leave the plan as it is now we would, the City would have a \$100,000 more to offer it with and obviously we have unknown contingencies and so forth so while we may not budget anticipating forfeitures in reality through the course of a plan especially with the number of participates we have we're going to

have some. And so, it's some cost there. I know from my standpoint I'm not necessarily against changing the vesting schedule I'm more concerned about the overall picture and all the provisions and then sitting back and say OK what is the accumulative affect of those. Does that make sense or am I ...?

Mr. Taute: I don't disagree with your analogy and again I don't, you know, stand up here to proclaim to be any kind of budget analyst either and Mr. Hubka probably would be much better suited address those and like I said I'm not going to venture into those uncharted waters from my standpoint, because I don't have any expertise in that and I don't proclaim to. So, you know, in that regard and how that all works and whether that is, you know, a cost. All I'm relaying to you is what Steve indicated this morning that it does not create any additional liability on behalf of the City and maybe it is just a matter of semantics we're dealing with. But again, you know, it's something that you really can't quantify, but it's not like the City's going to have to, to adopt these changes the City would not have to appropriate any additional funds to take care of adopting those.

Mr. Camp: But by the same token it won't get, you won't get credit towards future contributions it's going to be a cost.

Mr Taute: Well, yeah, it's going to be a potential reduction. You know if you want to review that as a cost I guess that's certainly what, you know, you can do. I guess I don't know how in the grand scheme of the financial world in the budget office how that's considered, Jon, you know I don't. And, I guess that maybe Steve really needs to be up here addressing those issues because I'm not going to have the expertise certainly to do that.

Mr. Fortenberry: Could I make a quick suggestion? Would you take that question back to Steve Hubka? It's probably not a difficult figure to come up with and what it's been averaging in the last 10 years or something to see what that is. If it's \$5,000 that's one level of an issue versus \$100,000 that's another level of the issue. So, I would assume that'd be a pretty easy figure to get.

Mr. Taute: I would think so. I'm sure they would have some record of that.

Mr. Fortenberry: Could you take that back to him and maybe we could get an answer of that for next week?

Mr. Camp: Would it be possible to maybe just take the turnovers the last 10 years and then apply the proposed vesting schedule versus what was then you'd see how much more forfeitures you're losing the benefit of and that would give you the numerical cost right there.

Mr. Taute: Well, I think that again is kind of speculative to apply that past information to what might happen in the future.

Mr. Camp: Well, that gives you some, well, it gives us, from my standpoint, Jeff, like your suggesting, it would give me a quantification of what might have happened and again if it's \$5,000 or something small that I think our listeners and viewers from the City and the community are concerned about their overall taxes and if there's a \$100,000 there that the City can use for other City expenditures that's \$100,000 less in taxes we have to assess and so it's a real cost. And, from my standpoint I need to have a good feel of how much it is we're going to be asking the taxpayers to pay for.

Mr. Taute: You just said that if that's a \$100,000 that could be used for other purposes. I don't think it could be used for other purposes.

Mr. Camp: Ok, excuse me (inaudible).

Mr. Taute: I think it has to stay in the fund. It's just like the excess funding in the Police and Fire Pension. You know, it can't be used for other purposes other than for the pension fund.

Mr. Camp: Well, it is like that excess funding that we discussed last week, but what we're saying Don, is that if we don't, if the City does not have to make a two million dollar contribution, if instead because there's a \$100,000 of forfeitures it only needs to contribute 1.9 million. 2 million has totally been spent it's just a \$100,000 that hasn't walked away with terminated employees. Because we spend \$100,000

on the retirement plan that is \$100,000 more that the City can apply to another priority. And, so that is real money and I guess Councilman Fortenberry and I are sitting here and we just don't know whether it's \$100,000, you know if we went back 10 years what it would be or whether it's \$5,000. Obviously, we can't predict with any accuracy the future, but we can sure look at a 10 year track record and say this is what would have been the result on how much or many fewer dollars the City would have gotten the benefit of in forfeitures.

Mr. Glass: I think what, particularly Bill Thoreson in my office is the Benefits Specialist has said, is that employees are definitely motivated to stay until the vesting. That turnover happens during the first five years, at least the way it is right now when they're not vested in the plan. And, once they, once they start on track of being vested they stay because they want to be 100% vested. So that's a real goal to stay employed once they start vesting. And, I think we'll see in terms of the turnover as happening before they're vested where the forfeiture isn't an issue, because they aren't vested, they're not going to take any of that money with them. So actually, the goal of becoming vested is a reason to stay (inaudible). But we can certainly take your question back to Steve and find out some of those numbers.

Mr. Taute: And, as a follow-up to that we certainly can do that getting those numbers and I think that rather than taking those at face value, though, I think that we also need to bear in mind I'm familiar with at least a couple of situations in which employees left employment under what I would call not particularly good circumstances due to some issues that were occurring in a couple different departments during the course of the last 10 years. One, StarTran for example, er a couple at StarTran when we had an audit down there and discovered some unusual happenings and an individual in Parks that were fairly long-term employees that had a substantial amount of money in there, took their money due to the circumstances that they were in and forfeited a fairly significant amount of contribution. So, that kind of ties indirectly to what Georgia was saying that most folks once they are vested, and they strive for vestiture and if they make it that's great. Because if something happens short of that and they're forced to take their money for reasons that are not associated just with them leaving and going off to find what they think are greener pastures, a lot of folks that the forfeitures occur is because they've left the City due to discipline issues not because they've chose to leave on their own.

This matter was taken under advisement.

APPROVING AN AGRMT. BETWEEN THE CITY & SOUTH INDUSTRIAL PARK, L.L.C., THE SECURITY MUTUAL LIFE INSURANCE CO. OF NEBRASKA, JOHN RALLIS, & GARY PICKERING FOR THE INSTALLATION OF OFF-SITE TRANSPORTATION IMPROVEMENTS IN HORIZON BUSINESS CENTER GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LN.
- City Clerk: I did receive a motion to amend prior to this meeting and it has been handed out to you. The reason for the motion to amend is for a substitute agreement in regard to Item No. 9. So would someone wish to move that so we can place it on our ...

Danay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: I'm here on behalf of the property owner so if anybody does have any questions we're available.

Coleen Seng, Council Member: I move to amend.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Jonathan Cook, Council Member: I just see that you are having an easement set aside, a 20' easement, on the west side of the street along the Horizon property.

Virenda Singh, Public Works: Along the entire land of the basic project basically about 2400 linear feet of it.

Mr. Cook: So, the expectation is that the sidewalk would go in that 20' and given that it's just a sidewalk easement will any plantings that take place be done at the property owners expense and maintained by the

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property owners expense and maintained by the property owner or will the City be doing it?

Mr. Singh: The intent there was (inaudible) started with additional dedication of right-of-way in lieu of traditional right-of-way. We've decided we would go with a permanent easement which the developers have moved forward with and they would go ahead and provide us the pedestrian way, basically sidewalks and so on in that area along with some landscaping. So, it's all being done by the developer along this entire frontage.

Mr. Cook: OK, well that's certainly better than putting the sidewalk right on the street so that's an improvement. I'd prefer we have the right-of-way necessary, but if we can't get it that certainly a reasonable alternative because I do see further down on 14th Street the bike path that I've complained about all along which is, runs along the west side of the street too close to it still and a lot of school kids will be using it and I don't know what our options are there as far as any easement or if that's all been investigated and there's just no other choice other than to stick that path up within, you know, whatever feet of the road, or ...

Mr. Singh: Referring to the intersection of Pine Lake ...?

Mr. Cook: Pine Lake and 14th.

Mr. Singh: I think some of the agreements are still being considered in that area.

Mr. Cook: Because I'd like to see some, if there's anyway we can get an easement along there, if there's any other option for placing that bike trail further away from the road even for just a portion of it's length that would really be helpful. I understand their constraints given the design as worked it's way along, but I'd sure like to see that considered in whatever way because I'm glad we're doing this easement down on Horizon.

Mr. Singh: We'll try our best to see if we can try to accommodate some of those type of things.

Mr. Fortenberry: Ms. Kalkowski could you ...? I probably shouldn't bring this up, but, you know, this site might just be the right size for Gallup. Beautiful Wilderness Park view in the back, campus environment, the deer could run around in the yard, everybody would win.

Ms. Kalkowski: It would be a beautiful view. I'm not aware if they've talked specifically with Gallup or not.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY & COUNTY FOR THE CONSTRUCTION OF THE WILDERNESS PARK BICYCLE BRIDGE BETWEEN PIONEERS BLVD. AND OLD CHENEY ROAD - Danny Walker, 427 E St.: The feedback I've been getting which I think is a good question, why are they putting a bridge where there was never one before? When we have other rundown dilapidated bridges within the confines of Wilderness Park why put a bridge where there was never one before? Was the public consulted? Was there any surveys at all taken of the people that utilize Wilderness Park or is this just a favor being passed down? I would like to follow-up if possible to sure get an answer to that question. Because like I said I have fielded phone calls both from people that walk the trails of Wilderness Park and some bicyclists. And, I think it's a plausible question, you know, why, why put it there? Any questions? Thank you.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING TITLE 5 OF THE LMC BY ADDING A NEW CHAPTER 5.17 PERTAINING TO TELECOMMUNICATIONS PROVIDERS USING THE CITY'S RIGHTS-OF-WAY TO ESTABLISH DEFINITIONS, STANDARDS, & PERMIT FEES FOR THE USE OF RIGHTS-OF-WAY; TO PROVIDE FOR INSURANCE, BONDING, & CONSTRUCTION STANDARDS FOR TELECOMMUNICATIONS FACILITIES LOCATED IN RIGHTS-OF-WAY; TO ESTABLISH PROCEDURES FOR REVIEWS OF DECISIONS REGARDING TELECOMMUNICATIONS FACILITIES; & TO PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE - PRIOR to reading:

JOHNSON Moved to Amendment No. 1 with action on Bill No. 00-100 in one week, 6/12/00.

Seconded by Seng.

COOK Moved to introduce Amendment No. 2 of Bill No. 00-100 with action in one week, 6/12/00.

Seconded by Johnson.

JOHNSON Moved to delay 3rd Reading with Public Hearing & action on Bill No. 00-100 for one week to 6/12/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Title 5 of the LMC by adding a new Chapter 5.17 pertaining to telecommunications providers using the City's right-of-way to establish definitions, standards, & permit fees for the use of right-of-way; to provide for insurance, bonding & construction standards for telecommunications facilities located in the right-of-way; to establish procedures for reviews of decisions regarding telecommunications facilities; & to provide for enforcement of this ordinance, the third time.

AMENDING ORD. 16792 TO INCREASE THE AGGREGATE PRINCIPAL AMOUNT OF ELECTRIC SYSTEM REVENUE COMMERCIAL PAPER NOTES OUTSTANDING FROM TIME TO TIME TO \$125,000,000 - CLERK read an ordinance, introduced by Jonathan Cook, amending Ord. 16792 to increase the authorized aggregate principal amount of electric system revenue commercial paper notes from time to time outstanding; to repeal certain provisions of Ord. 16792 in connection therewith; taking other action in connection with the foregoing; & related matters, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17681**, is recorded in Ordinance Book 24, Page

APPROVING THE LINCOLN BUILDING SKYWALK PROJ. BETWEEN THE CITY & LINCOLN INVESTMENT GROUP FOR THE CONSTRUCTION OF A SKYWALK BETWEEN THE LINCOLN BUILDING & THE LINCOLN DOWNTOWN SENIOR CENTER - CLERK read an ordinance, introduced by Jonathan Cook, accepting & approving the Lincoln Building Skywalk Project Redevelopment Agreement ("Redevelopment Agreement") between the City of Lincoln & Lincoln Investment Group, L.L.C. (Redeveloper), the third time.

COOK Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17682**, is recorded in Ordinance Book 24, Page

AMENDING ORD. 17597 PASSED JAN. 24, 2000 TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION PRESCRIBING & DEFINING THE CORPORATE LIMITS OF THE CITY OF LINCOLN - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ord. 17597, passed Jan. 24, 2000, by correcting an error in the legal description prescribing & defining the corporate limits of the City of Lincoln, Nebraska & repealing Section 1 of Ord. 17597 as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17683**, is recorded in Ordinance Book 24, Page

AMENDING ORD. 17598 PASSED JAN. 24, 2000 TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION OF THE BOUNDARIES OF THE AG AGRICULTURAL DIST. & THE R-3 RESIDENTIAL DIST. GENERALLY LOCATED NORTH OF HWY. 34, SOUTH OF ALVO RD. & WEST OF N. 1ST ST. - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ord. 17598 passed Jan. 24, 2000, by correcting an error in the legal description of the boundaries of the AG Agriculture District & the R-3 Residential District as established & shown on the Lincoln Zoning District Maps pursuant to Ord. 17598 & repealing Section 1

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of Ord. 17598 as hitherto existing, the third time.

COOK Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17684** is recorded in Ordinance Book 24, Page

PETITIONS & COMMUNICATIONS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

INFORMAL PETITION FOR THE CREATION OF AN ORNAMENTAL LIGHTING DISTRICT ON WOODS AVENUE SIGNED BY KORBY GILBERTSON, STEVE SCHWAB, JEANNIE RUHLMAN, & CHRIS & PATTI NIELSEN - CLERK presented said petition which was referred to the Public Works Dept.

PETITION TO VACATE PUBLIC WAY EAST 10' OF N. CODDINGTON AVE. ADJACENT TO LOTS 5 THRU 10 OF CAPITAL BEACH VILLAGE & LOT 7 S.C. SMITH II SUBDIVISION SIGNED BY JORDAN BRASCH PRES. OF BRASCH HOMES, INC. - CLERK presented said petition which was referred to the Law Dept.

THREE PETITIONS TO VACATE PUBLIC WAY NORTH-SOUTH ALLEY BETWEEN N STREET & ALLEY RUNNING EAST-WEST BETWEEN 13TH & 14TH STREET SIGNED BY PHOENIX DEV. CORP., LINCOLN 2000, L.L.C., & CRETE CARRIER CORP. - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY AT PINE LAKE ROAD R-O-W TO THE SOUTH OF LOT 57, IRREGULAR TRACT, LOT 58 IRREGULAR TRACTS & LOT 19 IRREGULAR TRACTS OF THE SE 1/4 OF SECTION 14, T9N, R6E OF THE 6TH P.M. IN LANCASTER COUNTY, NE. SIGNED BY CAPITOLA E. MECHLING, KATHY MECHLING & GEORGE W. MECHLING JR. - CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON MAY 22, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80225 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 05/26/00)

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF APRIL 2000: AT&T, EXCEL, AIRTIME SMR, COAST INT'L., TELCO DEV., INTELICALL, NETTEL CORP., SPRINT, IBM GLOBAL, NEBRASKA TECHNOLOGY, ALIANT CELLULAR, ALIANT COMM., SHAFFER, BROADWING, WORKING ASSETS.- CLERK presented said reports which were placed on file in the Office of the City Clerk. **(20)**

REQUEST FROM ROGER HARRIS, BUILDING & SAFETY DEPT., TO SCHEDULE A SHOW CAUSE HEARING BEFORE THE LINCOLN CITY COUNCIL REGARDING THE USE OF PROPERTY AT 1301 H ST. NOT IN COMPLIANCE WITH THE TERMS & CONDITIONS OF SPECIAL PERMIT NO. 1165A - CLERK requested a motion to approve a hearing date for 6/19/00 at 1:30 P.M.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APPLICATION OF IRIE, INC. DBA "DOC'S PLACE" FOR A LIQUOR CATERING LICENSE AT 140 NORTH 8TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80216 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of Irie, Inc. dba "Doc's Place" for the issuance of a Catering Permit to the existing liquor license, located at 140 North 8th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; CONFLICT OF INTEREST: Camp.

APPLICATION OF BENICIO LOBO DBA "ZAPATA MEXICAN RESTAURANT-CANTINA" FOR AN EXPANSION OF THEIR CURRENT CLASS I LIQUOR LICENSE FOR AN AREA MEASURING 31 FEET BY 130 FEET IN THE BASEMENT AT 815 "O" STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-80217 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Benicio Lobo dba "Zapata Mexican Restaurant-Cantina" to expand its licensed premises by the addition of an area measuring 31 feet by 130 feet in the basement of the presently licensed premises located at 815 "O" Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF RISKY INC. DBA "RISKY'S SPORTS BAR & GRILL" FOR A CLASS "C" LIQUOR LICENSE AT 4680 LEIGHTON AVE. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80218 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Risky Inc. dba "Risky's Sports Bar & Grill" for a Class "C" liquor license at 4680 Leighton Ave., Lincoln, Nebraska, for the license period ending October 31, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF ROGER WILLIAM PATTON FOR RISKY INC. DBA "RISKY'S SPORTS BAR & GRILL" AT 4680 LEIGHTON AVE. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80219 WHEREAS, Risky Inc. dba "Risky's Sports Bar & Grill" located at 4680

Leighton Ave., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Roger William Patton be named manager;

WHEREAS, Roger William Patton appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Roger William Patton be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF SHILAR INC. DBA "SPEAKEASY" FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 62 FEET BY 88 FEET TO THE SOUTH OF THE LICENSED PREMISES AT 3233 ½ SOUTH 13TH STREET ON JUNE 9, 2000 FROM 6:00 P.M. TO 12:30 A.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80220 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Shilar Inc. dba Speakeasy for a Special Designated License covering an area measuring 62 feet by 88 feet in the parking lot at 3233 ½ South 13th Street, Lincoln, Nebraska, on June 9, 2000, between the hours of 6:00 p.m. and 12:30 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF ST. JOHNS CHURCH, 731 SKYWAY RD., TO CONDUCT A LOTTERY

WITHIN THE CITY OF LINCOLN - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80221 WHEREAS, St. John's Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. John's Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. James F. Benton. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the

Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE CORPORATE LICENSE AGRMT. BETWEEN THE CITY & NOVELL, INC. FOR THE PURCHASE OF NOVELL LICENSES FROM AN APPROVED PARTNER. (5/30/00 - PUB. HEARING & ACTION CONTINUED TO 6/5/00) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80222 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Section 1. That the attached Agreement, marked as Attachment "A" between the City of Lincoln, Nebraska, and Novell, Inc. for the purchase of Novell Netware licenses from an approved partner, is hereby accepted and approved, and the Mayor is authorized to administer and execute said Agreement and make administrative amendments on behalf of the City.

Section 2. The City Clerk is directed to transmit one fully executed Agreement to Novell, Inc. and to Information Services for their records.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGRMT. BETWEEN THE CITY & SOUTH INDUSTRIAL PARK, L.L.C., THE SECURITY MUTUAL LIFE INSURANCE CO. OF NEBRASKA, JOHN RALLIS, & GARY PICKERING FOR THE INSTALLATION OF OFF-SITE TRANSPORTATION IMPROVEMENTS IN HORIZON BUSINESS CENTER GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LN. - PRIOR to reading:

SENG Moved to accept a substitute Horizon Business Center Agreement for the installation of off-site transportation improvements "at Attachment A" to Bill No. 00R-154.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80223 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Horizon Business Center Agreement for the Installation of Off-Site Transportation Improvements between the City of Lincoln and South Industrial Park, L.L.C., The Security Mutual Life Insurance Co. of Nebraska, John Rallis, and Gary Pickering to provide for the design, construction, and allocation of costs relating to the street improvements related to Use Permit No. 117 and Preliminary Plat No. 99003 generally located at South 14th Street and Mockingbird Lane under the terms and conditions as set forth in said Agreement, which is attached hereto, marked as Attachment "A", and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one copy of the executed original Contract to each of the parties hereto.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY & COUNTY FOR THE CONSTRUCTION OF THE WILDERNESS PARK BICYCLE BRIDGE BETWEEN PIONEERS BLVD. AND OLD CHENEY ROAD - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80224 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Section 1. That the Interlocal Agreement which is attached hereto, marked as Attachment "A" between the County of Lancaster, Nebraska, and the City of Lincoln, Nebraska, providing for the City to let bids and award a contract for the construction of a bicycle/pedestrian bridge in

Wilderness Park over Salt Creek between Pioneers Boulevard and Old Cheney Road, to be paid for by the County of Lancaster at a cost not to exceed \$100,000.00 or the amount of the bid whichever is lower, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City.

Section 2. The City Clerk is directed to transmit one fully executed Agreement to the County Clerk for their record.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-38 - APP. OF THE PLANNING DIRECTOR TO INCORPORATE THE BEAL SLOUGH BASIN STORMWATER MASTER PLAN BY REFERENCE AS AN APPROVED COMPONENT OF THE COMPREHENSIVE PLAN - PRIOR to reading:

SENG Moved to amend Bill 99R-289 in the following manner: a. On page 1, line 13, after the word "Plan" insert the following phrase: "as revised in May of 2000". b. On page 2, after line 8, add a new strategy to read as follows: "Broad public participation should be sought in the location & design of specific projects. The relative benefits of the projects to be evaluated should include impacts on the flood hazards, water quality, channel integrity, natural character, bridges, culverts & existing public & private structures. Property owners at the proposed sites shall be involved in the discussions during the analysis of alternatives & approaches & during the preliminary engineering of the projects."

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80226 WHEREAS, the Planning Director has made application to amend the 1994 Lincoln City-Lancaster County Comprehensive Plan to incorporate the Beal Slough Basin Stormwater Master Plan for stormwater and floodplain management as an official component of the Comprehensive Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 1994 Lincoln City-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Chapter V, Public Utilities, Stormwater Management and Flood Control section on page 142 to add the following paragraph:

"The Beal Slough Basin Stormwater Master Plan "as revised in May of 2000" was completed in July of 1999 and is hereby incorporated by reference as an approved component of the Comprehensive Plan. The Beal Slough Plan will serve as a tool for stormwater management within the basin and a model for other basins to be studied in the future. It is expected to be the first of a comprehensive effort to complete a Stormwater Management Master Plan by studying each basin within Lincoln and its anticipated growth areas. Future master planning efforts for largely undeveloped basins will rely more heavily on pro-active better management practice (BMP) measures and the conservation of existing natural attenuation features within the drainage regime to most effectively manage stormwater. Designs of human made features will seek to utilize bioengineering and other naturalized techniques, incorporating trail systems and other linear park features where possible."

2. Amend Page 145, "Strategies," as follows:
"Complete a Stormwater Management Master Plan for the City of Lincoln and its projected growth areas that emphasizes pro-active stormwater planning for future developing basins."
3. Amend Page 145, "Strategies" to include the following additional strategy:

"The City and County should utilize the Beal Slough Basin Stormwater Master Plan recommendations, project components and computer modeling as analysis tools to be referenced and compared with proposed private and public development in the Beal Slough drainage basin; projects identified in the Plan should be considered in preparing future capital improvements projects." "Broad public participation should be sought in the location & design of specific projects. The relative benefits of the projects to be evaluated should include impacts on the flood hazards, water quality, channel integrity, natural character, bridges, culverts, & existing public & private structures. Property owners at the proposed sites shall be involved in the discussions during the analysis of alternatives & approaches & during the preliminary engineering of the projects."

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 2ND READING

ADOPTING A REVISED EMPLOYEE'S RETIREMENT PLAN TO ELIMINATE OUTDATED, OBSOLETE LANGUAGE; TO CHANGE PROVISIONS REGARDING EMPLOYEE CONTRIBUTIONS; TO PROVIDE FOR PRE-TAX CONTRIBUTIONS; TO CHANGE THE VESTING SCHEDULE; TO ELIMINATE PROVISIONS RELATING TO FORFEITURES OF CITY CONTRIBUTIONS; TO CHANGE PROVISIONS REGARDING RE-PARTICIPATION IN THE RETIREMENT PLAN AFTER A BREAK IN SERVICE WITH THE CITY; & TO CHANGE PROVISIONS RELATING TO EARLY RETIREMENT - CLERK read an ordinance, introduced by Jerry Shoecraft, adopting a revised version of the Employee's Retirement Plan to eliminate outdated, obsolete language; to change provisions regarding employee contributions; to provide for pre-tax contributions; to change the vesting schedule; to eliminate provisions relating to forfeitures of City contributions; to change provisions regarding re-participation on the retirement plan after a break in service with the City; to change provisions relating to early retirement; and repealing Ordinance No. 16055 as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 12, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

2:36 P.M.

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CAMP

Moved to adjourn the City Council Meeting of June 5, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III